

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:08-cr-00126-MR**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**HORACE LEROY BRAZZELL,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's letter, which the Court construes as a motion to modify the Defendant's sentence. [Doc. 36].

In his letter, the Defendants asks the Court to consider modifying his sentence to eliminate the requirement of supervised release in exchange for a longer term of imprisonment. [Doc. 36].

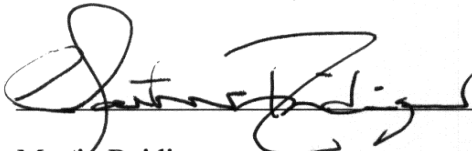
Pursuant to 18 U.S.C. § 3582(c), the Court may reduce or modify a sentence only: (1) upon motion of the Director of the Bureau of Prisons, if certain extraordinary and compelling reasons so warrant; (2) under the express authority of Rule 35 of the Rules of Criminal Procedure, which provides that the Court may correct a clear error in a sentence within 14 days after sentencing or reduce a sentence upon motion by the Government for

the defendant's substantial assistance; or (3) when a defendant is sentenced to a term of imprisonment based upon a sentencing range that was subsequently lowered by the United States Sentencing Commission. See 18 U.S.C. § 3582(c). None of these circumstances are applicable in the present case. Accordingly, the Defendant's request for a modification of his sentence must be denied.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's letter [Doc. 36], which the Court construes as a motion to modify the Defendant's sentence, is **DENIED**.

**IT IS SO ORDERED.**

Signed: August 17, 2016

  
Martin Reidinger  
United States District Judge

